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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/817,050	Applicant(s) ELZA ET AL.	
	Examiner Michael K. Botts	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2003 and 19 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>July 19, 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This document is the first Office Action on the merits. This action is responsive to the following communications: The Non-Provisional Application, which was filed on April 2, 2004, and an Information Disclosure Statement (IDS), which was filed on July 19, 2004.
2. Claims 1-19 have been examined, with claims 1, 8, 10, and 13 being the independent claims.
3. The claimed priority date is denied.
4. The Drawings are objected to.
5. The Specification is objected to.
6. Claims 1-19 are rejected.

### ***Information Disclosure Statement***

7. An initialed and dated copy of applicant's IDS form 1449, which was filed on July 19, 2004, is attached to this Office Action.

### ***Priority***

8. The application claims the priority benefit of all claims to U.S. Provisional Patent Applications 60/471,284 and 60/471,567, both of which were filed on May 16, 2003. Priority to May 16, 2003 is denied because claims 1-19, which relate to the invention of a "snapshot," were not taught or reasonably disclosed in the U.S. Provisional Patent Applications. The invention of a "snapshot" was not taught until the filing of U.S. Non-

Provisional Patent Application 10/817,050, and, accordingly, the priority date for claims of the "snapshot" invention are set with the priority date of April 2, 2004.

### ***Drawings***

9. The drawings are objected to because of the specific reasons cited below. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

10. The drawings are objected to because of the following reasons:

**Regarding all Figures, generally:** Lead lines are generally missing. Lead lines are required for each reference character except for those that indicate the surface or cross section on which they are placed. See MPEP 608.02(q). Applicants are required to review all figures and make appropriate corrections in order to comply with 37 CFR 1.121(d) and MPEP 608.02(q).

**Regarding Figures 3, 7B, 7C, 7D, 15, 16, 17, and 18:** Reference numbers to the items therein are necessary to understand the figures. See, 35 U.S.C. 113.

**Regarding Figure 1:** Items 106, 108, and 112 contain labels within shaded regions. Numbers, letters, and reference characters should not be placed upon shaded surfaces. See, MPEP 608.02(p)(3).

**Regarding Figure 3:** Two items are labeled "302." The same reference character must never be used to designate different parts. See, MPEP 608.02(p)(5). It is suggested that if the parts are similar, applicants may identify the parts as "302A" and "302B," or adopt a similar distinctive identification scheme.

**Regarding Figures 3 and 4:** Parts of Figure 4 appear to be an expanded view of part of Figure 3, but the relationship between the Figures is not clear. It is assumed that Applicants intended to further illustrate the relationships between items on Figure 3 in

Figure 4, and based on that assumption, Applicants are directed to clearly show that relationship. See, MPEP 608(h) for guidance in showing exploded and partial views.

**Further regarding Figures 3 and 4:** It appears that items in Figure 3 also appear in Figure 4, but under different identification numbers. The same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character. See, MPEP 608.02(p)(4). For example, the same items with multiple reference numbers include: 302 as 401; 304 as 407; 306 as 413; 310 as 410; and, many other multiple numbers. Applicants are required to review all Figures and make appropriate correction such that the identification numbers are uniform and consistent.

**Regarding Figure 4:** Items 418, 420, and 422 are not related to the rest of the figure. The disclosure identifies relationships for the items, but such relationships are not identified in the drawings. Specifically, item 418 is disclosed to relate to DDOM Client 407 through the DDOM protocol adapter and Message layer 412, but no such relationship is shown in the drawing. See, Specification, paragraph [0080]. Similarly, relationships are disclosed in paragraphs [0085] for items 420 and 422, but such relationships are not shown in the drawing. Appropriate correction is required.

**Regarding Figure 7A:** This Figure appears to be an exploded view of the "Server: MutateTree Routine" identified in Figure 10A, item 1014. Appropriate correction is

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required to properly identify the relationship of Figure 7A to Figure 10A and to make the reference numbers uniform and consistent. See, MPEP 608.02(h) and 608.02(p)(4).

**Regarding Figure 8:** This appears to be a full or partial exploded view of the "Broadcast" as disclosed in Figure 4, item 422. The relationship, if any, of this Figure must be clarified in relation to any other figures or items. See, MPEP 609.02(h).

**Regarding Figure 9:** The decision flow is incomplete. Specifically, decision elements leading from items 904 and 906 are missing. In addition, it is unclear but appears from comparing Figure 9 to the disclosure, [00123], that the flow arrow from 908 to 916 should be to 908 instead, and if so, an appropriate correction should be made. Appropriate correction to accurately reflect the decision flow is required.

**Regarding Figure 10A:** It appears that items 1014 and 1016 are condensations of full or partial views disclosed in Figures 7A and 10B respectively. See, MPEP 608.02(h). Appropriate correction to accurately reflect the relationship between the views is required.

**Regarding Figure 10B:** As discussed above, it appears that Figure 10B is a full or partial exploded view of Figure 10A, item 1016. Appropriate correction to accurately reflect the relationship between the views is required.

**Further regarding Figure 10B:** Item 1068 does not appear in the disclosure.

Reference characters not mentioned in the description shall not appear in the drawings.

See, MPEP 608.02(p)(5). Appropriate correction is required.

**Regarding Figure 13:** Item 1300 does not appear in the disclosure. Reference characters not mentioned in the description shall not appear in the drawings. See, MPEP 608.02(p)(5). Appropriate correction is required.

**Regarding Figure 14:** Items 1407, 1409, 1411, 1412, and 1413 do not appear in the disclosure. Reference characters not mentioned in the description shall not appear in the drawings. See, MPEP 608.02(p)(5). Appropriate correction is required.

**Further regarding Figure 14:** The disclosure discusses item “1400” as being shown in Figure 14, but “1400” does not appear in that Figure. See, disclosure paragraph [00137]. Reference characters mentioned in the description must appear in the drawings. See, MPEP 608.02(p)(5). Appropriate correction is required.

**Regarding Figures 16, 17, and 18:** These drawings appear to present a flow of data or information, but it is unclear what is being shown and to where the various flow lines lead. See, 35 U.S.C. 113. As is noted above, reference numbers should assist in making the figures more clear. It is also suggested that Applicants consider using alternative flow chart diagrams to show illustrate the invention.



In that there were so many corrections and clarifications noted in the drawings, Applicants are directed to review all drawings to ensure that they meet the law and rules for such drawings. In making their corrections, Applicants are cautioned against introducing any new matter into any new Figures.

**Regarding Figures 1, 2, 5, 6, 9, and 11:** Figures 1, 2, 5, 6, 9, and 11 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

11. The following Information on How to Effect Drawing Changes is provided for Applicants' assistance and direction.

#### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

##### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or

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remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***The Specification***

12. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of U.S. filed applications in the specification should also be updated where appropriate.

13. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. See disclosure paragraph [0009]. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. Appropriate correction is required.

14. The disclosure identifies item “1400” in Figure 14, at paragraph [00137], line 2, but that item does not appear in the Figure. Appropriate correction is required.

15. Many elements are discussed in the disclosure without citation to reference numbers, where those same elements are identified in the drawings by reference number. See, e.g., paragraphs [0076] – [0096]. For clarity of understanding, it is suggested that the drawing elements referred to in the disclosure should be followed by the appropriate reference number. See, MPEP 2163.02. Appropriate correction is suggested.

16. Paragraphs [00123] – [00125] and Figure 9 appear to disclose a decision tree for a “Mutation” routine. The logic in the decision tree appears to be in error. Specifically, it appears that the flow of a “yes” from item 906 should go to item 908, not 916. Also, it appears that a “no” from 904 should go to item 918, not 908. The confusion may be due at least in part from the omission of some of the choices from the decision tree:

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.....  
specifically items 904 and 906. Applicant should examine the cited paragraphs and  
.....  
Figure to ensure that they are accurate. Appropriate correction is required.

17. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claims Rejections – 35 U.S.C. 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Iverson, Lee, "NODAL: A Filesystem for Ubiquitous Collaboration," Whitepaper, SRI International, September 20, 2001 [hereinafter "NODAL"].

Regarding **independent claim 1**, NODAL teaches:

*A method in a computer system for loading a version of a hierarchical document, comprising:*

*creating a snapshot of the hierarchical document;*

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(It is noted that a snapshot is defined in the application as follows: "A snapshot completely describes a document at a certain time." See disclosure, paragraph [0081]. NODAL teaches a "cursor object," which is time stamped, to implicitly access the state of the document at the time of the timestamp within the "HistoryWalker class." See, NODAL, downloaded page 21.)

*storing a modification made to the hierarchical document;*

(See, NODAL, downloaded page 21, teaching that a chain of previous versions is stored.)

*receiving a request for a version of the hierarchical document;*

((See, NODAL, downloaded page 21, teaching that the document may be reconstructed using the "HistoryWalker class.")

*locating a snapshot near the requested version of the hierarchical document;*

(See, NODAL, downloaded page 21, teaching that the document may be reconstructed using the "HistoryWalker class.")

*loading the located snapshot; and*

(See, NODAL, downloaded page 21, teaching to replay the changes made in a document.)

*using the stored modification to re-create the requested version.*

(See, NODAL, downloaded page 21, teaching to replay the changes made in a document.)

Regarding **dependent claim 2**, NODAL teaches:

*The method of claim 1 wherein a first snapshot is closer to the requested version than a second snapshot when the first snapshot was created closer in time to a requested time than the time at which the second snapshot was created.*

(See, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **dependent claim 3**, NODAL teaches:

*The method of claim 1 wherein a first snapshot is closer to the requested version than a second snapshot when fewer modifications are stored between the first snapshot and the requested version than between the second snapshot and the requested version.*

(See, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **dependent claim 4**, NODAL teaches:

*The method of claim 1 wherein the request is received at a server computing device from a client computing device.*

(See NODAL, downloaded pages 20-22, teaching that the document may be constructed from a snapshot including data on a computer other than the one with the history repository.)

Regarding **dependent claim 5**, NODAL teaches:

*The method of claim 1 wherein the request is generated by a client computing device in response to a message from a server computing device to undo changes the client computing device applied to a local copy of the hierarchical document.*

(See, NODAL, downloaded page 27, teaching that the client and sever may exchange messages regarding a contemplated mutation. See also, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **dependent claim 6**, NODAL teaches:

*The method of claim 1 wherein the method is performed by a client computing device.*

(See, NODAL, downloaded pages 24 and 27, teaching that access to the system, including the function of a "snapshot" may be from a client computer.)

Regarding **dependent claim 7**, NODAL teaches:

*The method of claim 1 wherein the method is performed by a server computing device.*

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(See, NODAL, downloaded pages 10 and 27 teaching that the system may be implemented on a server.)

Regarding **independent claim 8**, NODAL teaches:

*A computer-readable medium for creating a version of a hierarchical document, the hierarchical document having a node, comprising:*

*a snapshot of the hierarchical document, wherein the snapshot includes the node and any attributes relating to the node; and*

*an indication of a mutation applied to the node, wherein the indication includes a time the mutation was applied.*

(See, NODAL, downloaded page 21, teaching that the versioning function “snapshot” has a timestamp and that the timestamp is past of the attribution maintained in the node history.)

Regarding **dependent claim 9**, NODAL teaches:

*The computer-readable medium of claim 8 wherein the indication of a mutation includes a user requesting the mutation.*

(See, NODAL, downloaded page 20, teaching that the file system may also store user attributions to the file attribution, which also includes the last modification time.)



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Regarding **independent claim 10**, NODAL teaches:

*A system for loading a version of a hierarchical document, the hierarchical document having a node, comprising:*

*a component that stores a snapshot of the hierarchical document, the snapshot including the node;*

*a component that stores a mutation applied to the node; and*

*a component that loads a version of the hierarchical document.*

(See, NODAL, downloaded pages 18-22, teaching storing a snapshot of a hierarchical document, including the node, storing the mutations applied to the node in the node attributes, and having the function to reconstruct any version of the stored hierarchical document.)

Regarding **dependent claim 11**, NODAL teaches:

*The system of claim 10 wherein the loading includes loading a snapshot near an indicated version and applying stored mutations.*

(See, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **dependent claim 12**, NODAL teaches:

*The system of claim 11 wherein the loaded snapshot is nearer the indicated version than another snapshot.*

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(See, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **claims 13-19**, claims 13-19 incorporate substantially similar subject matter as claimed in claims 1-7, respectively, and are rejected along the same rationale.

19. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

### ***Conclusion***

20. The following prior art is made of record and not relied upon that is considered pertinent to applicants' disclosure:

Adams (U.S. Patent 5,781,732), teaching shared access to central document with messaging.

Schmidt, et al. (U.S. Patent 4,558,413), teaching software versioning with messaging from the central system.

Individuals associated with the filing or prosecution of a patent application are reminded of their obligations pursuant to 37 CFR 1.56. See generally, MPEP 2001 and subsections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday Thru Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKB/mkb

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*1/23/2006*